

AUSA Assigned: EAH

Re: Complaint and Arrest Warrant for Adam T. Layton

County: *Spokane*

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

AUG 23 2019

SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

AFFIDAVIT

STATE OF WASHINGTON)

:SS

County of Spokane)

Michael Northcutt, being first duly sworn on oath, deposes and states:

1. Your affiant is a Special Agent (S/A) of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). This affidavit is in support of a criminal complaint against Adam T. Layton.
2. Your affiant is employed by ATF as a Special Agent and has been so employed since September of 2001. Your affiant has a Bachelor of Arts degree from Concordia College in Business Administration. Your affiant received a Jurist Doctorate from the University of Montana Law School. Your affiant is a graduate of the Federal Law Enforcement Training Center, Criminal Investigator Training Program, as well as the ATF New Professional Training. These courses of study totaled 23 weeks of training. Your affiant has participated in the execution of numerous state and Federal search warrants, including searches for

evidence related to the illegal possession or use of firearms and ammunition. Your affiant has consulted with other Special Agents in the ATF who have many years of experience in working firearms investigations. Your affiant has completed the Firearms Interstate Nexus Training Course in Washington, D.C., which provides training in the recognition and identification of firearms and ammunition and their place of manufacture, and has provided numerous firearm and ammunition Interstate Nexus opinions.

3. As a result of your affiant's training and experience as a Special Agent for the ATF, he is familiar with the Federal firearms laws and knows that it is a violation of Title 18, United States Code, Section 922(g)(1) for any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year to receive, possess or transport any firearm or ammunition in or affecting interstate or foreign commerce, or any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

4. The information set forth in this affidavit is not intended to detail each and every circumstance of the investigation or all information known to me or the investigative participants. Rather, this affidavit serves to document and illustrate the scope of the alleged activities and facts and circumstances necessary to establish that probable cause exists to believe that Adam Layton unlawfully

possessed a firearm and ammunition in violation of Title 18, U.S.C., Section 922(g)(1).

5. The following is based upon information your affiant personally received from Officers with the United States Probation and Parole Office (USPP), and from your affiant's own investigation.

6. On August 22, 2019, your affiant received a call from Richard Law, an officer with U.S. Probation and Parole (USPP) in Spokane, Washington. Officer Law told your affiant that USPP officers would be conducting a search of the residence of Adam Layton, an individual under USPP supervision, the following day. The search was to be conducted pursuant to USPP guidelines. Officer Law told your affiant that USPP Officers had information that Layton was in possession of a .45 caliber pistol. Officer Law requested your affiant's assistance in the search.

7. On August 23, 2019, your affiant accompanied USPP officers to the Layton's residence, 2914 N. Hogan St., apartment #5, Spokane, WA. A short distance from the address, Officers made a call to Layton's phone to let him know they were coming. Layton stated he was not at his residence, but was on his way to treatment at a drug rehabilitation facility.

8. Officers continued to Layton's apartment. As officers approached, they

observed a woman, identified as Layton's girlfriend, Katie Torrez, at the bottom of the apartment stairs, holding a box and a briefcase. Officers observed Torrez look both ways, observe officers, and walk to a vehicle parked in the parking lot.

Officers observed Torrez put the items in a car. Officers contacted Torrez, and escorted her back to apartment 5, where she lives with Layton. Officers made entry into the residence, and inside the residence contacted Michelle Reynolds, a friend of Layton. Reynolds told officers that Layton had gone to drug treatment driving her car, a black envoy with the front license plate in the dash. Reynolds provided officers with written consent to search her vehicle.

9. Your affiant and officers went to the drug treatment center, located at 910 E. Boone, Spokane, WA, and located Reynold's black Envoy in the parking lot. Officers contacted Layton. Layton initially denied driving the Envoy but subsequently admitted to officers that he had driven the Envoy. As officers prepared to begin searching the Envoy, Layton stated that the gun was in his backpack in the Envoy. Officers observed a small black zippered backpack in the front passenger seat. The main zippered pocket was locked with a mini lock. Layton told officers that the key to the lock was in the middle console of the Envoy. SA Northcutt unlocked the mini lock with a key from a keychain in the middle console. Inside the backpack, among other items, was a Smith & Wesson,

model SW40VE, .40 caliber pistol, bearing serial number DXA7536. Your affiant observed the pistol contained a magazine loaded with ammunition.

10. Your affiant showed Michelle Reynolds the black backpack that the pistol was found in. Reynolds confirmed that the backpack belonged to Layton.

11. Your affiant is familiar with Layton from being the case agent on Layton's prior Federal conviction for Felon in Possession of a Firearm. Your affiant queried Layton's NCIC criminal history record. Layton has a felony conviction in United States District Court for:

Felon in Possession of a Firearm, 3/18/15.

Layton also has felony convictions in Washington State courts for:

THEFT-1 ATTEMPT	CLASS C FELONY	01/31/2017
FIREARM POSSESSION UNLAWFUL-1	CLASS B FELONY	06/28/2013
ROBBERY-2	CLASS B FELONY	06/24/2010
FIREARM POSSESSION UNLAWFUL-2	CLASS C FELONY	08/13/2009
THEFT-1	CLASS B FELONY	08/06/2008
RESIDENTIAL BURGLARY	CLASS B FELONY	07/18/2007
RESIDENTIAL BURGLARY	CLASS B FELONY	06/07/2007

12. Based upon Layton's prior felony convictions, your affiant knows Layton is

prohibited from possessing firearms and ammunition. *m.N. these convictions are punishable by more than a year in prison.* Your affiant also knows *(JN)*

13. On August 23, 2019, your affiant arrested Layton for being a felon in

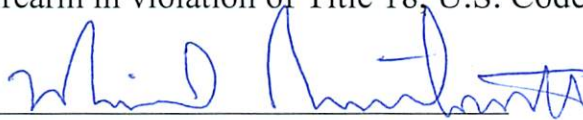
possession of a firearm.

14. Your affiant knows the Smith & Wesson pistol was not manufactured in the state of Washington. Therefore, your affiant knows the firearm has traveled in and affected interstate commerce in order to be present in the State of Washington.

15. Based upon the information above and your affiant's knowledge and experience, your affiant believes that probable cause exists to believe Adam Layton unlawfully possessed a firearm in violation of Title 18, U.S. Code, Section

M.N.

922(g)(1). @



Michael Northcutt, Special Agent

Bureau of Alcohol, Tobacco, Firearms & Explosives

☒ Sworn to before me and signed in my presence.
☐ Sworn to telephonically and signed electronically.
this 23RD day of August, 2019.



John T. Rodgers
United States Magistrate Judge